

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 22-cr-20188-2  
Hon. Matthew F. Leitman

v.

D2, HASSAN KAMAL FAYAD,

Defendant.

/

**ORDER RESOLVING GOVERNMENT'S MOTION  
TO COMPEL ATTORNEY MICHAEL ALFRED[S']  
TESTIMONY AND TO PRODUCE EMAIL (ECF No. 202)**

Now pending before the Court is the Government's Motion to Compel Attorney Michael Alfred['s] Testimony and to Produce an Email. (See Mot., ECF No. 202.) At the Final Pretrial Conference in this case, the Court discussed the motion with counsel. Defense counsel objected to the motion on the grounds of attorney-client privilege and untimeliness. The Court directed Mr. Alfred's former law firm to submit the email in question to the Court for in camera review. The law firm has complied, and the Court has reviewed the email in camera. For reasons explained by the Court on the record on Tuesday, January 9, 2024, the Court has concluded that the email in question is not covered by the attorney-client privilege, and the Court will not preclude the Government from offering the email on the

ground that it did not timely seek to obtain and present the email. The Court will likewise not preclude Mr. Alfred from testifying about the email. However, if Defendant has specific objections to questions posed to Mr. Alfred during trial based upon the attorney-client privilege, the Court will entertain those objections.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 12, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 12, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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